



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

COPY MAILED

MAY 20 2005

OFFICE OF PETITIONS

In re Application of :
Mohammad Abdallah, Prasad Modali, Hsien- :
Cheng E. Hsieh (deceased), Thomas R. Huff, :
Vladimir Pentkovski, Patrice Roussel and :
Shreekant S. Thakkar :
Application No. 09/783,875 :
Filed: February 14, 2001 :
Attorney Docket No. 42390P4912X :

**DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)**

This is in response to the "Petition Under 37 CFR 1.47(a)," filed April 26, 2005.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor's legal representative. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on February 14, 2001, without an executed oath or declaration, and naming Mohammad Abdallah, Prasad Modali, Hsien-Cheng E. Hsieh (deceased), Thomas R. Huff, Vladimir Pentkovski, Patrice Roussel and Shreekant S. Thakkar as joint inventors.

The instant petition was filed on April 26, 2005.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

- (2) an acceptable oath or declaration in compliance with 35 U.S.C. 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

Applicant lacks item (1), as set forth above.

As to item (1), applicant appears to demonstrate that the non-signing inventor's legal representative was only presented with the declaration and power of attorney. Unless the non-signing inventor's legal representative was presented with a copy of the application papers (specification, claims and drawings), the non-signing inventor's legal representative could not attest that she has "reviewed and understands the application papers" and therefore could not sign the declaration which she was given. Accordingly, Rule 47 applicant failed to show or provide proof that the non-signing inventor's legal representative has refused to sign the declaration. See MPEP 409.03(d). Petitioner should show that a copy of the application papers was presented the non-signing inventor's legal representative, but that she did not respond to, or refused, the request that she sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.



Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office